



SO ORDERED.

SIGNED this 16th day of April, 2019

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.**


Marcia Phillips Parsons
CHIEF UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

IN RE:)	
)	
GEORGE HERMAN RUTH,)	Case No. 2:18-BK-51914-MPP
)	Chapter 7
)	
Debtor.)	
_____)	
)	
FIFTH THIRD BANK,)	
)	
Plaintiff,)	
)	
v.)	Adversary Proceeding No. <u>2:19-ap-05003-MPP</u>
)	
GEORGE HERMAN RUTH,)	
)	
Defendant.)	

DEFAULT JUDGMENT

CAME this matter before the Court upon the Motion for Default Judgment filed by **FIFTH THIRD BANK** (hereinafter the “**Bank**”) for entry of a Default Judgment against the Defendant, **GEORGE HERMAN RUTH** (“Defendant”) for the relief requested in the Complaint filed in the above-styled Adversary Proceeding, whereupon it appeared to the Court as follows:

1. That the Plaintiff, Bank, timely filed a Complaint to Determine Dischargeability of Debt on February 4, 2019, and a Summons and a copy of the Complaint were properly served on the Defendant, **GEORGE HERMAN RUTH** (“Defendant”) and his legal counsel on February 7, 2019, by regular first class United States mail, with postage fully pre-paid, as shown by Return of Service made February 7, 2019, and filed with the Court; and

2. That the Defendant failed and/or refused to answer or otherwise respond to said Complaint within the time permitted by law; and

3. That pursuant to Rule 55, FRCP as applicable pursuant to Rule 7055, FRBP, on March 26, 2019, Bank filed a Motion for Default Judgment (the “Motion”), and there has been no response or opposition to said Motion, and that the Motion is well taken, and therefore, Bank is entitled to entry of a Default Judgment against the Defendant for the relief sought in the aforesaid Complaint; it is, accordingly,

ORDERED, ADJUDGED and DECREED that the claim of Bank against the Defendant is hereby determined to be nondischargeable pursuant to 11 U.S.C. §523(a)(2)(C)(i)(II) to the extent of \$11,406.37 plus accrued interest, attorney’s fees and costs, as against the Defendant, **GEORGE HERMAN RUTH**, all of which is determined to be nondischargeable, and excepted from any discharge the Debtor may or might have received in this Bankruptcy Case; and it is further

ORDERED, ADJUDGED and DECREED that Judgment is hereby GRANTED in favor of Bank against the Debtor, **GEORGE HERMAN RUTH**, for recovery of the principal amount of \$11,406.37, plus post-judgment interest, and costs, and the judgment balance shall accrue interest calculated from the date of entry of this Default Judgment, for which total judgment balance execution may issue.

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APPROVED FOR ENTRY:

s/ Anthony R. Steele

Anthony R. Steele, TN BPR #016303

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